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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,989	01/15/2002	Eric K. Mann	P 276927 P12814	2723

27496 7590 11/30/2004  
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EXAMINER

KIM, HAROLD J

ART UNIT PAPER NUMBER

2182

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/044,989

Applicant(s)

ERIC ET AL.

Examiner

Harold Kim

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-20 and 25-32 are presented for examination.
2. Applicant's request to canceling claims 21-24 has been acknowledged.
3. The indicated allowability of claims 11, 12, 16, 17, 19 and 20 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 4, 5, 7, 8, 18-20, and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Miles et al., US Patent no. 6,665,495.**

6. In re claim 1, Miles et al. shows a method, comprising:

receiving a plurality of packets [104, fig 13; col 19, lines 53-56];

classifying the packets according to a classification criterion [col 20, lines 11-27; 114, fig 13];

sending a packet bundle [super packet, col 23, lines 1-11] to a host wherein the packet bundle is generated using packets that are uniformly classified with respect to the classification criterion [114, 110, fig 3; 126, fig 14]; and

receiving the packet bundle [col 29, lines 50-64] and the corresponding packet bundle descriptor [fig 26]; and

processing the packet bundle according to the corresponding packet bundle descriptor [col 29, line 65 to col 30, line 7].

7. In re claim 2, Miles et al. shows

determining the packet bundle for transfer according to a pre-determined criterion [col 20, lines 11-27];

generating the packet bundle [124, 126, fig 14] and its corresponding packet bundle descriptor [fig 26]; and

transferring the packet bundle and its corresponding packet bundle descriptor to the host [126, fig 14].

8. In re claim 4, Miles et al. shows a number of packets [number of packets, fig 26].

9. Claims 5, 7, 8, and 25-30 are rejected under the same rationale as discussed above in claims 1, 2 and 4. In addition, Miles et al. shows a bundle descriptor [fig 26] providing information about the packet bundle [col 30, lines 14-16]; and at least one packet descriptor each of which provides information about a packet in the packet bundle [col 30, lines 14-26]. Miles et al. also shows an input and output controller [figs 12a, 12b, 13] with a classification based packet transferring mechanism for receiving packets and transferring a packet bundle with its corresponding packet bundle descriptor [fig 26]; and a host for receiving the packet bundle and its corresponding packet bundle descriptor [figs 25 and 26].

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10. In re claim 18, Miller et al. shows a packet receiver [92, fig 13] for receiving at least one packet; and a classification based packet transferring mechanism [112, 114, 124, 126 in figs 13, 14] for generating and transferring a packet bundle [super packet, fig 14] and its corresponding packet bundle descriptor [fig 26] to a host [fig 18].

11. In re claim 19, Miller et al. shows a packet classification mechanism [112, fig 13] for classifying received packets; a packet grouping mechanism [124, fig 14] for generating the packet bundle based on classified packets and the corresponding packet bundle descriptor; and a transfer scheduler [super packet scheduler, 48, fig 5; col 3, lines 29-31] for transferring, at a time determined based on a pre-determined criterion col 8, lines 63-67], the packet bundle and the corresponding packet bundle descriptor to the host.

12. In re claim 20, Miller et al. shows a packet queue [114, fig 13] for buffering the received at least one packet; and a packet queue allocation mechanism [112, fig 13] for allocating the packet queue prior to said receiving the at least one packet.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

**15. Claims 3, 6, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al., US Patent no. 6,633,576, as shown in above, in view of Kujoory et al., US Patent no. 6,021,263.**

16. In re claims 3, 6, 9, Miles et al. shows a bundle descriptor [fig 26] providing information about the packet bundle [col 30, lines 14-16]; and at least one packet descriptor each of which provides information about a packet in the packet bundle [col 30, lines 14-26].

Miles et al. does not show a session number and a priority associated with a packet. However, Kujoory et al. shows packets are classified based on their session [col 3, lines 32-33] and transfer according to a priority [flow specification, col 3, lines 35-36]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include packets are classified based on their session and transfer according to a priority as shown in Kujoory et al. for the purpose of faster data communication.

17. In re claims 10, Miller et al. shows a bundle descriptor [fig 26] providing information about the packet bundle [col 30, lines 14-26]; and at least one packet descriptor each of which provides information about a packet in the packet bundle [col 30, lines 14-16].

18. In re claim 11, Miller et al. shows a number of packets [number of packets in fig 26] in the packet bundle,

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19. In re claim 12, Miller et al. shows a packet status [status bits, fig 26], a packet length [length, fig 26], a buffer address for the packet in the packet bundle [queue, fig 26].

20. **Claims 13, 14, 15-17, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles et al., US Patent no. 6,633,576, as shown in above, in view of Goldberg et al., US Patent no. 6,816,455.**

21. In re claims 13, 14, 31 and 32, Miller et al. shows a method for a host [fig 18] and, comprising:

receiving the packet bundle [super packet, col 29, lines 50-64] and the corresponding packet bundle descriptor [fig 26]; and

processing the packet bundle according to the corresponding packet bundle descriptor [col 29, line 65 to col 30, line 7].

Miles et al. does not show updating a packet session using the packet bundle according to the packet bundle descriptor, and identifying a session number from the packet bundle descriptor prior to said updating. However, Goldberg et al. shows writing updated session [col 3, line 15], and identifying a session number [70-74, fig 3] prior to said updating [94, fig 3]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include updating a packet session, and identifying a session number prior to said updating as shown in Goldberg et al. for the permitting secure transactions over the Internet [col 1, lines 38-40].

22. In re claim 15, Miles et al. shows an input and output controller [figs 12a, 12b, 13] with a classification based packet transferring mechanism for receiving packets and

transferring a packet bundle [super packet, fig 14] with its corresponding packet bundle descriptor [fig 26]; and a host for receiving the packet bundle and its corresponding packet bundle descriptor [figs 25 and 26].

Miller et al. does not show updating a session using the packet bundle based on the packet bundle descriptor. However, Goldberg et al. shows writing updated session [col 3, line 15]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include updating a packet session as shown in Goldberg et al. for the permitting secure transactions over the Internet [col 1, lines 38-40].

23. In re claim 16, Miller et al. shows a packet classification mechanism [112, fig 13] for classifying received packets; a packet grouping mechanism [124, fig 14] for generating the packet bundle using classified packets and the corresponding packet bundle descriptor; and a transfer scheduler [super packet scheduler, 48, fig 5; col 3, lines 29-31] for transferring, at a time determined based on a pre-determined criterion col 8, lines 63-67], the packet bundle and the corresponding packet bundle descriptor to the host.

24. In re claim 17, Miller et al. show a notification handler [254, fig 25] for receiving the packet bundle and its corresponding packet bundle descriptor; a packet bundle processing mechanism [140, fig 25] for processing the received packet bundle and the corresponding packet bundle descriptor [fig 26]; and

Miles et al. does not show a session updating mechanism for updating a session using the packet bundle according to the packet bundle descriptor. However, Goldberg



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et al. shows session updating mechanism [56, fig 2] that writes updated session [col 3, line 15]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include session updating mechanism as shown in Goldberg et al. for the permitting secure transactions over the Internet [col 1, lines 38-40].

### ***Conclusion***

Applicant's arguments are moot in view of the new ground(s) of rejection. **THIS ACTION IS MADE NON-FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

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P.O. Box 1450  
Alexandria, VA 22313-1450

The centralized fax number is 703 872-9306.

The centralized hand carry paper drop off location is:

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Customer Window  
Crystal Plaza Two, Lobby, Room 1B03

Any inquiry of a general nature or relating to the status of this application should be directed to the central telephone number (571) 272-2100.

Direct any inquiries concerning drawing review to the Drawing Review Branch (703) 305-8404.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Kim whose telephone number is 571-272-4148. The examiner can normally be reached on Monday-Thursday 6AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner

November 28, 2004/HK



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